

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ADRIAN LOVATO,

Plaintiffs,

vs.

No. CV 18-00816 KG/LF

BERNALILLO COUNTY SHERIFF'S
OFFICE, DEPUTY CHARLES COGGINS,
DEPUTY OLEG YURCHENKO,

Defendants.

ORDER DENYING MOTIONS FOR APPOINTMENT OF COUNSEL
AND TO PROCEED *IN FORMA PAUPERIS*

THIS MATTER is before the Court *sua sponte*. Plaintiff Adrian Lovato, acting pro se, filed a Prisoner's Civil Rights Complaint on August 27, 2018. (Doc. 2). At the time he commenced the case, Plaintiff Lovato did not pay the \$400 filing fee or submit an application to proceed without prepayment of fees or costs under 28 U.S.C. § 1915. The Court issued an Order to Cure Deficiency, ordering Lovato to either pay the \$400 fee or submit an application to proceed under § 1915 within 30 days. (Doc. 3). Plaintiff Lovato filed a Motion to Appoint Counsel on September 10, 2018 (Doc. 4). Plaintiff then filed two applications to proceed *in forma pauperis* on September 12, 2018. (Doc. 6, 7).


Retained counsel entered an appearance on behalf of Plaintiff Lovato on November 4, 2018. (Doc. 9). Retained counsel also filed a First Amended Complaint on Lovato's behalf on the same date. (Doc. 10). The Court determines that, in light of Plaintiff's retention of counsel, the Motion to Appoint Counsel (Doc. 4) and the two Applications to Proceed Without Prepaying Fees or Costs (Doc. 6 and 7) are moot. The Court will deny the Motion and Applications on

mootness grounds and will order Plaintiff Lovato to pay the \$400 filing fee for this proceeding within fourteen (14) days of entry of this Order.

IT IS ORDERED:

(1) the Motion to Appoint Counsel (Doc. 4), Application to Proceed Without Prepaying Fees or Costs (Doc. 6), and Application to Proceed Without Prepaying Fees or Costs (Doc. 7) are DENIED as moot; and

(2) Plaintiff Adrian Lovato is required to pay the \$400 filing fee for this proceeding within fourteen (14) days.



UNITED STATES DISTRICT JUDGE